S.B.Cr.Misc. Bail App. No. 5048/2007
(Ram Singh & Anr. Vs. State)

Date of order : 11th October, 2007.

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S. Rathore for the petitioners.

Mr. V.R. Mehta, Public Prosecutor.

Heard learned counsel for the petitioners and the learned Public Prosecutor for the State. Perused the order impugned as well as the challan papers.

Learned counsel for the petitioners has invited my attention towards the statement of material witness namely Bhikh Singh who is said to be present at the time of occurrence and witness of last seen, who stated that in morning at 7.00 Am, Tijo and Prem Singh were going towards the field and thereafter Tijo was found dead. He categorically stated that it was Prem Singh who strangulated his wife Tijo and thrown her into water tank. On this basis, police filed challan against Prem Singh under Section 302 IPC. Learned counsel for the petitioners submits that allegation against the petitioners are that they used to harassed the deceased in connection with demand of dowry. According to him, at the best for such allegation offence under Section 498A IPC is made out against the petitioners but no offence under Section 304B IPC is made out. He further submits that the

challan has been filed and trial is likely to take long time.

Looking to the facts and circumstances of the case and the fact that challan has been filed against Prem Singh under Section 302 IPC causing murder of his wife Tijo and having regards to the facts and circumstances of the case and considering the oral arguments advanced by the parties, I deem it just and proper to enlarge the accused petitioners on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioners No.(1) Ram Singh s/o Nathu Singh and (2) Smt. Samdu Kanwar w/o Ram Singh be released on bail in FIR No.94/2007 P.S. Lohawat, (Jodhpur) provided each of them executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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